



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

March 31, 2004

Lew Brown, District Manager
Bureau of Land Management
Upper Columbia Salmon Clearwater District
1808 North Third Street
Coeur d'Alene, Idaho 83814-3407

RE: Bureau of Land Management Salmon and Challis Field Offices' 2004 Weed Control Program
(One Project) (HUCs 17060201, 17060202, 17060203, and 17060204)

Dear Mr. Brown:

This responds to the March 1, 2004, letter requesting extension through 2004 of Endangered Species Act (ESA) consultation and Magnuson-Stevens Fishery Conservation and Management Act (MSA) consultation on the Bureau of Land Management's (BLM) Salmon and Challis Field Offices' 2002 weed control program. The 2002 biological assessment (BA) accompanying the original consultation, as modified by supplemental information received in the BLM's 2003 request, fully explained the potential impacts on Snake River sockeye salmon, Snake River spring/summer chinook salmon, Snake River Basin steelhead, designated critical habitat and Essential Fish Habitat (EFH) under NOAA's National Marine Fisheries Service (NOAA Fisheries) review. The project has been reviewed by NOAA Fisheries, as provided under section 7(a)(2) of the ESA and its implementing regulations, 50 CFR Part 402, and section 305(b)(2) of the MSA and its implementing regulations, 50 CFR Part 600. NOAA Fisheries issued a Biological Opinion (Opinion) for the 2002 proposed action on October 18, 2002, and extended the Opinion through 2003 on February 12, 2003.

Snake River sockeye salmon, spring/summer chinook salmon, and steelhead are likely to occur within the action area. The action is within designated critical habitat for Snake River spring/summer chinook salmon (December 28, 1993, 58 FR 68543) and within designated EFH for chinook salmon. Pursuant to NOAA Fisheries ESA and MSA responsibilities and authorities, NOAA Fisheries evaluated the effect of the project on ESA listed species, designated critical habitat, and EFH.

The BLM plans to apply herbicides to eliminate new areas of noxious weed invasion and contain existing infestations. The 2002 Opinion analyzed the effects of treating approximately 50 riparian acres with herbicides. For 2004, the BLM plans to treat up to 65 riparian acres. The effects of the 2003 Tobias and Withington fires led to this proposed increase in treatment acreage.



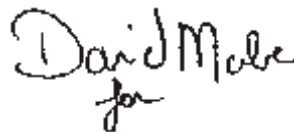
Prior to the 2004 spray season, the BLM will provide NOAA Fisheries with a table identifying project areas, acres treated, application methods and rate, product name, surfactants and other adjuvants, and estimated timing of spraying. The BLM will also provide a report to NOAA Fisheries by the end of 2004 documenting the treatments that actually occurred.

Based on the best available information and successful implementation of mitigation measures described in the BA and the 2003 supplement, as well as implementation of all reasonable and prudent measures and terms and conditions described in the Opinion, NOAA Fisheries has determined that the subject action is not likely to jeopardize the continued existence of Snake River spring/summer chinook salmon, Snake River Basin steelhead, or Snake River sockeye salmon. NOAA Fisheries concludes the subject action would not cause adverse modification or destruction of designated critical habitat, but that the action may adversely affect designated EFH for chinook salmon. As required by section 305(b)(4)(A) of the MSA, conservation recommendations and provisions are included in the BA, the 2003 supplement, and the Opinion, that NOAA Fisheries believes will avoid, minimize, mitigate, or otherwise offset adverse effects on EFH.

This letter extends the 2002 Opinion through December 31, 2004. All terms and conditions, reasonable and prudent measures, conservation measures and recommendations, and monitoring and reporting requirements of the 2002 Opinion remain in effect. This concludes ESA consultation and MSA consultation on this action. The BLM must reinitiate consultation on this action if new information becomes available, or if circumstances occur that may affect listed species, designated critical habitat, or may adversely affect EFH in a manner or to an extent not previously considered.

Mr. Dan Blake (208) 756-6019, and Mr. Larry Zuckerman (208) 756-6496, are the NOAA Fisheries contacts for this consultation.

Sincerely,

A handwritten signature in black ink that reads "David M. Lohn" with a stylized "for" written below the name.

D. Robert Lohn
Regional Administrator

cc: D. Mignogno - USFWS
T. Curet - IDFG
W. Wood - USFS
A. Johnson - Nez Perce Tribe
D. Johnson - Nez Perce Tribe
N. Murillo - Shoshone-Bannock Tribes
C. Colter - Shoshone-Bannock Tribes